

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Theodore Stewart-Franzen	Team: Team # 4	CCRB Case #: 200405930	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/19/2004 10:00 PM	Location of Incident: § 87(2)(b) in Queens	Precinct: 105	18 Mo. SOL 12/19/2005	EO SOL 12/19/2005	
Date/Time CV Reported Mon, 06/21/2004 11:57 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/21/2004 11:57 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Brendan Parpan	12002	925886	105 PCT
2. POM An officer			
3. POM Biju Mathew	23999	930663	105 PCT
4. POM Nelson Mathew	26149	930664	105 PCT
5. POM Anthony Salato	24592	926403	105 PCT
6. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Randolff Pinard	21091	930961	105 PCT
2. SGT John Gavan	04286	897538	105 PCT
3. SGT Jeanpierre Villez	03618	919827	105 PCT
4. POM Michael Ward	30468	898747	105 PCT
5. POM Michael Hance	24046	925420	105 PCT
6. POM George Rath	07271	918202	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Biju Mathew	Force: PO Biju Mathew used physical force against § 87(2)(b)	
B.POM Biju Mathew	Abuse: PO Biju Mathew threatened unknown civilians with the use of force.	
C.POM Biju Mathew	Abuse: PO Biju Mathew drew his gun.	

Officer(s)	Allegation	Investigator Recommendation
D. Officers	Abuse: Officers drew their guns.	[REDACTED]
E.POM Biju Mathew	Abuse: PO Biju Mathew entered § 87(2)(b) in Queens.	[REDACTED]
F.POM Nelson Mathew	Abuse: PO Nelson Mathew entered § 87(2)(b) in Queens.	[REDACTED]
G.POM Anthony Salato	Abuse: PO Anthony Salato entered § 87(2)(b) in Queens.	[REDACTED]
H. Officers	Abuse: Officers entered § 87(2)(b) in Queens.	[REDACTED]
I.POM Brendan Parpan	Abuse: PO Brendan Parpan entered § 87(2)(b) in Queens.	[REDACTED]
J.POM Brendan Parpan	Force: PO Brendan Parpan struck § 87(2)(b) with a nightstick.	[REDACTED]
K.POM Nelson Mathew	Discourtesy: PO Nelson Mathew spoke obscenely and rudely to § 87(2)(b)	[REDACTED]
L.POM Biju Mathew	Force: PO Biju Mathew used pepper spray against § 87(2)(b)	[REDACTED]
M.POM Biju Mathew	Force: PO Biju Mathew used physical force against § 87(2)(b)	[REDACTED]
N. Officers	Force: Officers used physical force against § 87(2)(b)	[REDACTED]
O.POM Anthony Salato	Force: PO Anthony Salato used physical force against § 87(2)(b)	[REDACTED]
P. Officers	Force: Officers used physical force against § 87(2)(b)	[REDACTED]
Q.POM An officer	Abuse: An officer refused to provide his name and shield number to § 87(2)(b)	[REDACTED]
R.POM Brendan Parpan	Force: PO Brendan Parpan used physical force against § 87(2)(b)	[REDACTED]
S. Officers	Force: Officers used physical force against § 87(2)(b)	[REDACTED]
T.POM An officer	Force: An officer used physical force against § 87(2)(b)	[REDACTED]

Synopsis

At approximately 9:30 PM on June 19, 2004, PO Biju Mathew, PO Nelson Mathew and PO Randolff Pinard responded to § 87(2)(b) in Queens, because there was a party at the location and the officers received numerous “loud music” complaints from 311. § 87(2)(b) approached the officers and told them that his sister was the homeowner but that she was not present. The officers informed § 87(2)(b) that they were responding to noise complaints, and asked to see his identification. PO Biju Mathew allegedly grabbed § 87(2)(b) by the neck (Allegation A). § 87(2)(g)

§ 87(2)(b) PO Biju Mathew allegedly threatened a group of civilians with his nightstick (Allegation B). § 87(2)(g)

§ 87(2)(b). PO Biju Mathew and additional unidentified officers allegedly drew their guns (Allegations C and D). § 87(2)(g)

§ 87(2)(b) PO Biju Mathew, PO Nelson Mathew, PO Anthony Salato and additional officers entered and searched the private house at the incident location (Allegations E, F, G and H). § 87(2)(g)

PO Brendan Parpan allegedly entered the location and hit § 87(2)(b) with his nightstick (Allegations I and J). § 87(2)(g)

§ 87(2)(b) PO Nelson Mathew allegedly said, “I don’t give a fuck about your Christening. Shut the fuck up and get the fuck out of my way” (Allegation K). § 87(2)(g)

§ 87(2)(b) PO Biju Mathew allegedly pepper sprayed § 87(2)(b) (Allegation L). § 87(2)(g)

§ 87(2)(b) PO Biju Mathew and additional unidentified officers used physical force to effect the arrest of § 87(2)(b) on the front steps of the location (Allegations M and N). § 87(2)(g)

§ 87(2)(b) was also arrested in connection with the incident, and PO Anthony Salato and additional unidentified officers used physical force to effect his arrest (Allegations O and P). § 87(2)(g)

§ 87(2)(b) who lives next door to the incident location, allegedly asked an officer for his identification and the officer allegedly refused to provide it (Allegation Q). § 87(2)(g)

PO Brendan Parpan and additional unidentified officers used force to effect the arrest of § 87(2)(b) (Allegations R and S). § 87(2)(g)

§ 87(2)(b) § 87(2)(b) alleged that an officer used physical force against her (Allegation T). § 87(2)(g)

Summary of Complaint

§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on July 7, 2004. She stated that at approximately 9:45 PM on June 19, 2004, she noticed that three police officers, subsequently identified as PO Biju Mathew, PO Nelson Mathew and PO Randolff Pinard, were standing in the front yard of her neighbors’ house at § 87(2)(b) in Queens. Five minutes later, approximately fifty additional officers arrived at the location. § 87(2)(b) remained in her house, but through her window she witnessed numerous guests at her neighbors’ party running from police officers. She witnessed an officer making what appeared to be threatening gestures toward a woman with his nightstick. § 87(2)(b) also stated that her neighbors, and guests from their party, were yelling at the police, though she could not recall what they were saying.

When § 87(2)(b) witnessed one of her neighbors, an individual subsequently identified as § 87(2)(b) being led to a police van in handcuffs, she went out onto her front steps with her boyfriend, § 87(2)(b) § 87(2)(b) walked over to one of the officers who put § 87(2)(b) in the police van and asked

him for his name and shield number. At this time, five male white officers arrested § 87(2)(b) § 87(2)(b) attempted to pull § 87(2)(b) away from the officers but another officer pulled her away from § 87(2)(b) § 87(2)(b). The officers used physical force to press § 87(2)(b) down on the hood of a car while they handcuffed him.

The officers transported § 87(2)(b) to the 105th Precinct stationhouse. When § 87(2)(b) arrived at the stationhouse, PO Brendan Parpan informed her that he was the arresting officer.

§ 87(2)(b) viewed a photographic array on May 15, 2005 and identified PO Biju Mathew and PO Nelson Mathew as having used physical force to effect the arrest of § 87(2)(b) (Enclosure 7).

Results of Investigation

Overview

On June 19, 2004, there was a large Christening party at § 87(2)(b) in Queens. At least fifty civilians were in attendance, and they were located in the front, the back and inside the private house at the address. Numerous complaint calls about the loud music at the party were transferred from 311 to the 105th Precinct. PO Biju Mathew, PO Nelson Mathew and PO Randolff Pinard were assigned to the 105th Precinct Noise Auto, and they responded to the address after receiving the complaints. Shortly after arriving at the location, PO B. Mathew called for backup and approximately thirty to fifty officers responded. Three arrests were made at the incident location, and physical force was used to effect the arrests. There were various other verbal and physical altercations happening at the same time between officers and civilians in the front yard, the back yard and inside the house.

Victim/Witness Statements

§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on July 7, 2004. § 87(2)(g) § 87(2)(b) also witnessed the arrest of § 87(2)(b). He stated that numerous officers used force to effect the arrest of his neighbor, § 87(2)(b) § 87(2)(b) stated that § 87(2)(b) was holding onto the railing on his front steps, and that an officer, subsequently identified as PO Biju Mathew, sprayed pepper spray in § 87(2)(b)'s face. After PO Mathew sprayed pepper spray in § 87(2)(b)'s face, three or four officers handcuffed him and put him in a police van. § 87(2)(b) was not able to provide any additional identifying information for the officers who arrested him.

§ 87(2)(b) viewed a photographic array on May 15, 2005. He identified PO Brendan Parpan as his arresting officers, though he could not recall if PO Parpan actually effected the arrest. He identified PO Biju Mathew as § 87(2)(b)'s arresting officer. He incorrectly identified the officers in filler photographs A and D as being present during the incident (Enclosure 8).

§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on June 30, 2004. She stated that on June 19, 2004 at around 9:30 PM, three police officers, subsequently identified as PO Biju Mathew, PO Nelson Mathew and PO Randolff Pinard, arrived at her home at § 87(2)(b) in response to a noise complaint. Approximately fifty of her relatives, friends and neighbors were present for the party that she was hosting. § 87(2)(b) stated that throughout the evening they had been listening to music, but by the time that the officers arrived it had been turned off and the party was "wrapping up." § 87(2)(b) was in the front yard with approximately ten other people when the officers arrived. They approached her uncle, § 87(2)(b) and asked him for his identification. § 87(2)(b) asked the officers why they needed his identification. PO Biju Mathew and PO Nelson Mathew responded by raising their voices and demanding his identification again. § 87(2)(b) asked the officers again why they wanted his identification.

At this time, PO Pinard explained to § 87(2)(b) calmly why they were requesting his identification and § 87(2)(b) responded by agreeing to go inside his house to retrieve it. However, PO Biju Mathew prevented him from doing so by grabbing him around the throat and saying, "You're not going anywhere. You're under arrest." PO Biju Mathew held his hand around § 87(2)(b)'s neck for "a few" seconds before letting him go and calling for backup on his cell phone. Five minutes later, approximately fifty additional officers arrived at the location. The officers directed the guests who were in the front yard to move to the back of the house. Officers entered the house through the backdoor and searched in every room of the basement and the first floor § 87(2)(b) did not know what the officers were looking for). § 87(2)(b) did not witness officers opening drawers or looking under furniture.

§ 87(2)(b) was standing in the back doorway as the officers forced their way past her into the house. She fell to the ground, and when she was trying to get up, PO Brendan Parpan hit her with his nightstick across her side. The officers ran through the house with their guns drawn, looking in all the rooms. When § 87(2)(b)'s aunt, told the officers that it was a Christening party, PO Nelson Mathew responded by saying, "I don't give a fuck about your Christening. Shut the fuck up and get the fuck out of my way."

The officers were inside the house for ten minutes. § 87(2)(b) exited through the back door of the house and returned to the front yard. § 87(2)(b) was attempting to enter the house because he was concerned about his § 87(2)(b)-month-old nephew, for whom the Christening party was for, who was inside the house. PO Biju Mathew and four additional officers prevented § 87(2)(b) from entering the house. PO Biju Mathew sprayed pepper spray in § 87(2)(b)'s face, and he and the other officers handcuffed him. § 87(2)(b)'s cousin, § 87(2)(b) witnessed § 87(2)(b)'s arrest from the driveway and protested that it was unnecessary. Approximately ten officers immediately arrested him.

§ 87(2)(b) their next door neighbor, witnessed the arrests and was complaining to the officers that they were unnecessary. § 87(2)(b) did not hear § 87(2)(b) request the names or shield numbers of any of the officers. Approximately eight police officers immediately "threw" § 87(2)(b) against § 87(2)(b)'s car and handcuffed him. Between § 87(2)(b), § 87(2)(b) went to § 87(2)(b), but left without being treated because it was going to be a twelve hour wait.

§ 87(2)(b) viewed a photographic array on May 15, 2005. She identified PO Biju Mathew as being present during the incident, and stated that he was using profanities (she could not recall his exact words) and shoving people with his nightstick. She identified PO Nelson Mathew as being present during the incident and stated that he was using profanities, but she could not recall his exact words (Enclosure 11).

§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on July 2, 2004. § 87(2)(g) although she witnessed PO B. Mathew interacting with § 87(2)(b) and § 87(2)(b) she did not see PO Biju Mathew grab § 87(2)(b) by the neck. After backup arrived, she witnessed § 87(2)(b)'s arrest on the front steps of the house. She stated that PO Biju Mathew and PO Nelson Mathew exited through the front door directly behind him and said, "Here he is! Here he is!" They handcuffed § 87(2)(b) and although § 87(2)(b) did not see the officers use pepper spray on § 87(2)(b) she believed that they did because § 87(2)(b)'s eyes were puffy, red and watering as the officers led him to the police van (Enclosure 9).

§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on July 6, 2004. § 87(2)(g) § 87(2)(b) added that she heard an officer, of whom she could not provide a physical description, say to § 87(2)(b) in the backyard of the house, "I don't give a fuck about your Christening." (Enclosure 12)

§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on August 18, 2004. § 87(2)(g) § 87(2)(b) approached the initial responding officers and informed them that his sister, § 87(2)(b) was the owner of the house, but that she was not home. § 87(2)(b) asked the officers what the problem was, and PO B. Mathew responded by asking § 87(2)(b) for his identification. When § 87(2)(b) repeated his question, PO B. Mathew told him that the officers were responding to a noise complaint and asked again to see § 87(2)(b)'s identification. At this point, § 87(2)(b) stated that he would go get his identification from inside the house. PO B. Mathew began to follow him, but § 87(2)(b) told PO B. Mathew to wait outside. PO Biju Mathew called for backup and stayed in the front of the house. § 87(2)(b) stated that he stood face to face with PO Biju Mathew for five minutes without any physical or verbal interaction. No other civilians or officers were next to them. After five minutes, approximately twenty additional officers arrived at the location. § 87(2)(b) witnessed six male white officers draw their guns and enter the house through the side door. At this time, § 87(2)(b) hurried toward the front door of the house to find out what the officers were doing. § 87(2)(b) was not able to say whether PO B. Mathew walked away, and he did not recall where PO B. Mathew was at this time. No officer attempted to stop him as he walked to the front steps, but as he approached the front door, numerous officers opened the front door and proceeded to arrest him after he heard PO B. Mathew say, "that's the one!" The officers put handcuffs on § 87(2)(b) while holding him roughly against the porch railing. § 87(2)(b) stated that the officers told him repeatedly to stop resisting arrest. § 87(2)(b) stated that he did not resist arrest. After § 87(2)(b) was in handcuffs, PO Biju Mathew sprayed him in the face with a chemical agent.

§ 87(2)(b) viewed a photographic array on May 15, 2005. He identified PO Biju Mathew as the officer who pepper sprayed him. He stated that it was possible that PO Nelson Mathew was present during the incident (Enclosure 10).

§ 87(2)(b)

While § 87(2)(b) did not provide a formal statement, she viewed a photographic array at § 87(2)(b) in Queens, on May 15, 2005. She identified PO Brendan Parpan as being present during the incident. She stated that PO Parpan used physical force to arrest § 87(2)(b). She identified PO Biju Mathew as being present during the incident. She stated that PO Biju Mathew pepper sprayed § 87(2)(b). She also alleged that PO Biju Mathew drew his gun during the incident, when the officers were trying to move the crowd of people in the front yard into the backyard. § 87(2)(b) identified PO Nelson Mathew as being present during the incident. She alleged that it might have been PO Nelson Mathew who pepper sprayed § 87(2)(b) (Enclosure 12.5).

Civilians Not Interviewed

§ 87(2)(g)

Officer Interviews

PO Nelson Mathew

PO Nelson Mathew's memo book entries for June 19, 2004 indicate that his exact tour was 21:00 to 05:35. At 22:30, PO N. Mathew was 84 at § 87(2)(b). At 23:13, PO Nelson Mathew had three individuals under arrest at the location. At 23:30, he was 10-96 (Enclosure 13).

PO Nelson Mathew was interviewed at the CCRB on December 6, 2004. PO N. Mathew stated that he was assigned to 311 jobs on the incident date, and that he was working with PO Biju Mathew and PO Randolph Pinard. PO N. Mathew stated that there were numerous noise complaints about a party at § 87(2)(b).

§ 87(2)(b) The calls went to 311 and were transferred to the 105th Precinct. When PO N. Mathew and his partners responded to the address and asked the homeowner (male, black, 45, 5'8, curly black hair) for identification, the man refused to provide his identification. There was another man, subsequently identified as § 87(2)(b) telling the homeowner not to provide identification.

PO Biju Mathew was the officer interacting with the homeowner and § 87(2)(b). After the homeowner refused to provide identification approximately five times, PO Biju Mathew called for backup. When the officers arrived at the location, there were between ten and fifteen people in the front yard, and people in the backyard as well. Many guests at the party were shouting at the officers and acting antagonistic (PO N. Mathew could not recall what was shouted, specifically). PO N. Mathew stated that he drew his nightstick and held it in front of him to prevent the crowd from attacking the officers. He did not strike anyone with his nightstick. Three minutes later, approximately thirty additional police officers arrived at the location.

At this time, the homeowner ran into the house through the back door and PO N. Mathew followed him to arrest him. Approximately three other officers went into the house as well (PO N. Mathew did not recall which officers entered the house). Inside the house, PO N. Mathew did not interact with anyone, and he stated that he did not say "I don't give a fuck about your Christening. Shut the fuck up and get the fuck out of my way." PO Mathew ran in the back door, through the living room, and out the front door without searching additional rooms in the house. He stopped looking for the alleged homeowner when he witnessed officers effecting the arrest of § 87(2)(b) on the front steps of the house. § 87(2)(b) was resisting arrest by holding onto the railing on the front porch and he was preventing the officers from handcuffing him. PO N. Mathew exited the house through the front door and grabbed § 87(2)(b)'s arm, helping the other officers (he could not recall the identities of these officers) handcuff § 87(2)(b). PO N. Mathew did not use a chemical agent to effect § 87(2)(b)'s arrest and he did not witness any other officer use a chemical agent.

PO N. Mathew did not witness the arrest of § 87(2)(b) or the arrest of § 87(2)(b) and he did not find the alleged homeowner that he chased inside the house. He stated definitively that PO B. Mathew did not grab § 87(2)(b) by the neck, he did not witness officers use physical force except to effect § 87(2)(b)'s arrest, and he did not hear any officer speak discourteously. PO N. Mathew did not draw his gun during the incident, and he did not witness any officer draw his gun. PO N. Mathew did not recall the identities of any officers besides PO B. Mathew, PO Pinard and PO Anthony Salato (Enclosure 14).

PO Randolff Pinard

PO Randolff Pinard's memo book entries for June 19, 2004 indicate that his exact tour was 9:00 P.M. to 5:35 A.M. on June 20th. PO Pinard was assigned to 105th Precinct Noise Auto Van, with PO Nelson Mathew and PO Biju Mathew, and his duties included taking 311 jobs. At 10:30 PM, PO Pinard was 10-84 at § 87(2)(b). PO Biju Mathew asked the homeowner for his identification but another individual interfered, preventing the homeowner from providing his identification. Additional officers arrived, and three arrests were made: the first defendant was preventing the officers from doing their duty, the second defendant was yelling and raising alarm, the third defendant pushed and kicked PO Anthony Salato. At 23:13 the officers had three under (Enclosure 15).

PO Randolff Pinard was interviewed at the CCRB on December 6, 2004. § 87(2)(g) PO Pinard was standing guard by the patrol cars, so he never entered the house or witnessed anything inside the house, but he noticed that a few officers entered the house. Likewise, PO Pinard was never in the back of the house, but saw officers go around the back of the house. The only force that PO Pinard witnessed was the force that officers used to arrest § 87(2)(b) on the front steps of the house, nearly fifty feet away from where PO Pinard was standing at the time of the arrest. He witnessed § 87(2)(b) resisting arrest by refusing to let go of the railing on the staircase. He stated that although he saw a struggle, and officers using force against § 87(2)(b) because he was standing approximately fifty feet away from the arrest location, and because of the hectic nature of the incident, he did not notice if a chemical agent was used in effecting the arrest. He also could not recall which officer effected § 87(2)(b)'s arrest. PO Pinard recalled that while the arrest of § 87(2)(b) was taking place, a neighbor, subsequently identified as § 87(2)(b) exited his house and was

yelling and creating alarm. He could not recall exactly what § 87(2)(b) said, and although he later learned that he was arrested, he did not witness the actual arrest (Enclosure 16).

PO Anthony Salato

PO Anthony Salato's memo book entries for June 19, 2004 indicate that he worked an extended tour. PO Salato's scheduled tour of duty was from 1:00 P.M. until 9:35 P.M., and then he worked from 9:35 P.M. until 6:05 A.M. on the following day. At 9:35 P.M., PO Salato was assigned to an Impact post with PO Brendan Parpan. At 11:00 P.M., the officers responded to a 10-85 from the Noise Auto at § 87(2)(b). At 11:13 P.M., PO Salato had one defendant under arrest and he went to the 105 Precinct stationhouse. At 11:45 P.M., PO Salato released the property of the defendant, § 87(2)(b) to § 87(2)(b) (Enclosure 17).

Arrest Report for § 87(2)(b)

§ 87(2)(b) was arrested at 11:13 PM on June 19, 2004, in front of § 87(2)(b) in Queens. He was charged with § 87(2)(b). PO Anthony Salato was the arresting officer for § 87(2)(b) and the arrest report indicates that § 87(2)(b) shoved PO Salato and kicked him in the shin. PO Salato informed § 87(2)(b) that he was under arrest, and when PO Salato attempted to handcuff § 87(2)(b) he ran into the house through the rear door and attempted to escape through the front door. PO Salato caught up with § 87(2)(b) in the front yard, and attempted to arrest him, at which point § 87(2)(b) pushed PO Salato. PO Salato used physical force to effect his arrest, and he did not sustain any injury as a result of the incident (Enclosure 18).

PO Anthony Salato was interviewed at the CCRB on December 7, 2004. § 87(2)(g) PO Salato added that additional officers helped him effect the arrest of § 87(2)(b) but he could not recall which officers (Enclosure 19).

PO Brendan Parpan

PO Brendan Parpan's memo book entries for June 19, 2004 indicate that his exact tour was 12:55 P.M. to 9:30 P.M. and that he was partnered with PO Anthony Salato. At 11:01 P.M., they responded to a 10-85 at § 87(2)(b). At 11:13 P.M., PO Parpan had one under for § 87(2)(b). At 1:05 A.M. on June 20, 2004, § 87(2)(b) dropped off \$34 dollars and a driver's license to § 87(2)(b) (Enclosure 20).

Arrest Report for § 87(2)(b)

§ 87(2)(b) was arrested at 11:13 PM on June 19, 2004, in front of § 87(2)(b) in Queens. He was charged with § 87(2)(b). PO Brendan Parpan was the arresting officer. The arrest report indicates that § 87(2)(b) approached him as he was leading a defendant to the police van and shouted at him. § 87(2)(b) pushed him and attempted to free the defendant from his custody. § 87(2)(b) refused to allow the arresting officer to handcuff him by flailing his arms (Enclosure 21).

PO Brendan Parpan was interviewed at the CCRB on December 7, 2004. § 87(2)(g) PO Parpan stated that he did not enter the house, and he did not strike anyone with his nightstick. PO Parpan recalled § 87(2)(b)'s arrest in detail. PO Parpan was approaching the van with § 87(2)(b) and a man, subsequently identified as § 87(2)(b) came towards the officers, shouting, "This is bullshit. What's going on?" PO Parpan stuck out his right arm and pushed § 87(2)(b) out of the way, because § 87(2)(b) was preventing the officers from putting the defendant into the van. § 87(2)(b) shoved PO Parpan and PO Parpan stumbled over the curb and lost his balance (he did not fall down). Numerous officers (PO Parpan could not recall which officers) placed § 87(2)(b) under arrest as PO Parpan regained his balance and continued helping PO Salato put § 87(2)(b) in the van. Because he was focused

on putting § 87(2)(b) into the van, PO Parpan did not witness § 87(2)(b)'s arrest. PO Parpan did not assist in the arrest of § 87(2)(b) or § 87(2)(b) (Enclosure 22).

PO Biju Mathew

PO Biju Mathew's memo book entries on June 19, 2004 indicate that he was partnered with PO Randolph Pinard and PO Nelson Mathew, and that he was working from 9:00 PM until 5:30 AM the following day. The officers were assigned to the 105th Precinct Noise Auto, and were taking 311 jobs. At 9:46 PM, the officers received a complaint of loud noise at § 87(2)(b). At 10:30 PM, the officers arrived at § 87(2)(b). PO Mathew indicated in his memo book that he asked the homeowner for identification, but the homeowner refused to provide it. § 87(2)(b) interfered with the officers while they were attempting to obtain identification from the homeowner. A large group of civilians at the location formed a crowd, yelling and screaming at the officers, interfering with the officers' attempts to arrest the homeowner. The officers tried to grab the homeowner, but § 87(2)(b) and other unidentified members of the group pushed and shoved the officers. PO B. Mathew called for additional units to respond to the location. PO B. Mathew tried raising his voice at the crowd, but the crowd was very hostile. Backup arrived and the homeowner fled the scene. PO B. Mathew arrested § 87(2)(b). At 11:13 PM, § 87(2)(b) was under arrest. At 11:49 PM, PO B. Mathew started the arrest paperwork, and made a late entry, indicating that at 11:13 PM, he used physical force to effect the arrest, and that he used his baton to hold back the crowd from attacking the responding officers (Enclosure 23).

Arrest Report for § 87(2)(b)

§ 87(2)(b) was arrested at 11:13 PM on June 19, 2004, in front of § 87(2)(b) in Queens. He was charged with § 87(2)(b). PO Biju Mathew was the arresting officer for § 87(2)(b) and that arrest report indicates that § 87(2)(b) yelled at PO B. Mathew, "Get the fuck off my property," and that he called PO B. Mathew a "devil in a police uniform." It also indicates that § 87(2)(b) pushed PO B. Mathew and spit on his shirt (Enclosure 24).

PO Biju Mathew was interviewed at the CCRB on December 13, 2004. § 87(2)(g) when backup arrived, PO B. Mathew proceeded to the rear of the house, in an attempt to locate and arrest the homeowner. PO B. Mathew believed that he saw the homeowner enter the house through the back door, so PO B. Mathew entered the house through the already open back door.

The door that PO B. Mathew entered led him into the basement of the house. PO B. Mathew did not open any doors, or look into any rooms of the house while he was inside, and stated that he did not see any civilians inside the house. PO B. Mathew could not recall who the officers were, but stated that there were other officers who ran through the house as well. He ran through the hallway in the basement, up the steps to the main floor, and out the front door. He did not find the homeowner, but PO B. Mathew found § 87(2)(b) on the front steps of the house as he exited the house. At this point he placed § 87(2)(b) under arrest. § 87(2)(b) resisted arrest by refusing to let go of the railing on the staircase, and PO B. Mathew grabbed one of his arms, using "quite a bit" of physical force, and pulled it behind his back to effect the arrest. PO B. Mathew stated that there were a few other officers that were assisting with the arrest, but that he did not recognize any of them, and thought that they might have been from a different command. PO B. Mathew stated that he smelled pepper spray on § 87(2)(b) while he was arresting him, but stated that he did not use his pepper spray on § 87(2)(b). PO B. Mathew stated that he had his pepper spray out before the backup units arrived, in an effort to prevent the crowd from attacking the officers, but that he did not use his pepper spray during the incident (Enclosure 25).

Sgt. John Gavan

Sgt. John Gavan's memo book indicates that on June 19, 2004, his tour began at 2:50 P.M. and it ended at 11:47 P.M (Enclosure 26).

Sgt. John Gavan was interviewed at the CCRB on January 20, 2005. Sgt. Gavan stated that he was at the 105th Precinct stationhouse on the incident date, and he responded to a call for officers in need of assistance. Sgt. John Gavan responded to the location by himself, and when he arrived at the location, the situation was under control. To the best of his recollection, all three of the defendants were in handcuffs when he arrived. Sgt. Gavan remembered speaking with PO Biju Mathew, but stated that he could not provide names of any other officers. Sgt. Gavan believed that Sgt. JeanPierre Villez was also present, but he could not recall if he spoke with Sgt. Villez at the incident location. Sgt. Gavan did not have any interaction with any civilians at the location, and he did not witness any of the allegations (Enclosure 27).

Sgt. JeanPierre Villez

Sgt. Jean Pierre Villez's memo book entries for June 19, 2004 indicate that his exact tour was 20:40 to 05:40. Sgt. Villez did not have any memo book entries pertaining to the incident (Enclosure 28).

Sgt. Jean Pierre Villez was interviewed at the CCRB on February 1, 2005. PO Villez stated that he responded to a 10-85 at the incident location, but did not recall who called the 10-85. PO Villez responded to the location immediately, but could not recall what time it was. When Sgt. Villez responded to the location, he approached Sgt. John Gavan, who was speaking with the female homeowner. Sgt. Villez stated that there was a "huge" crowd of civilians, and that they were screaming at the officers. Sgt. Villez was at the location for approximately three minutes, and after speaking with Sgt. Gavan, who informed Sgt. Villez that the situation was under control, he left the incident location. Sgt. Villez was aware that arrests had been made, but he did not see the arrests take place. Sgt. Villez believed that the officers were leaving with the defendants as he was arriving at the location. Sgt. Villez did not speak with any other officer while he was at the location, he did not give any orders, and he does not remember what Sgt. Gavan said to him. Sgt. Villez could not recall what the sum and substance of the conversation between Sgt. Gavan and the female homeowner was, and could not recall what the female homeowner's demeanor was (Enclosure 29).

PO Michael Hance

PO Michael Hance's memo book entries for June 19, 2004 indicate that his tour was 16:00 to 23:35. He was partnered with PO Michael Ward. At 22:40, PO Hance responded to a 10-85 at the incident location. At 23:30, PO Hance was 10-98 (Enclosure 30).

PO Michael Hance was interviewed at the CCRB on February 1, 2005. His statement was consistent with the other officers' statements (Enclosure 31).

PO Michael Ward

PO Michael Ward's memo book entries for June 19, 2004 indicate that his tour was 15:00 to 23:35. He was partnered with PO Michael Hance. At 22:40, PO Ward responded to a 10-85 at the incident location. At 23:30, PO Ward was 10-98 (Enclosure 32).

PO Michael Ward was interviewed at the CCRB on February 1, 2005. His statement was consistent with the other officers' statements (Enclosure 33).

PO Goerge Rath

PO Goerge Rath's memo book entries for June 19, 2004 indicate that his exact tour was 12:55 PM to 9:30 PM. PO Rath did not have any memo book entries pertaining to the incident (Enclosure 34).

PO Goerge Rath was interviewed at the CCRB on February 8, 2005. His incident account was highly consistent with the other officers' versions (Enclosure 35).

Officers Not Interviewed

§ 87(2)(g)

Command Log

The 105th Precinct Command Log for May 19, 2004 indicates that at 23:25, PO Biju Mathew brought § 87(2)(b) into the stationhouse. § 87(2)(b)'s physical/mental condition was "apparently normal." At the same time, PO Brendan Parpan brought § 87(2)(b) into the stationhouse. § 87(2)(b)'s physical/mental condition was "apparently normal." Also at 23:25, PO Anthony Salato brought § 87(2)(b) into the stationhouse. § 87(2)(b)'s physical/mental condition was "apparently normal." (Enclosure 38).

Communications

The communications records indicate that at 22:42, the 105 Precinct patrol sergeant called for additional units to respond to § 87(2)(b) in Queens, because the 105 Noise Unit called in a 10-85 from the location. The 105 Noise Unit stated that there was a large crowd at the location, and that they were trying to make an arrest, but that the crowd was uncooperative. At 22:47, sector G was 10-84. At 22:54, the 105 patrol sergeant authorized a level one mobilization. At 22:55, the 105 patrol sergeant cancelled the level one mobilization because enough units were at the incident location (Enclosure 36).

Roll Call

The 105th Precinct Administrative Roll Call for Tour 3 on June 19, 2004 indicates the following: Sgt. John Gavan was the patrol sergeant. His tour was 14:50 to 23:47. PO Anthony Salato was assigned to Sector A and his scheduled tour was 12:55 to 21:30. PO Michael Ward and PO Michael Hance were assigned to Sector J. PO Brendan Parpan was assigned to SNEU (Enclosure 37).

Officer CCRB History

None of the subject officers have any substantiated CCRB complaints (Enclosure 4).

Criminal Conviction History

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Conclusions and Recommendations

The undisputed facts of the case are as follows: at approximately 9:30 P.M. on June 19, 2004, PO Biju Mathew, PO Nelson Mathew and PO Randolff Pinard were assigned to the 105 Precinct Noise Auto. They responded to § 87(2)(b) in Queens, because numerous complaint calls about the loud music at the

location were forwarded from 311 to the 105th Precinct. When the officers arrived at the incident location, they spoke with § 87(2)(b). They asked § 87(2)(b) for his identification and § 87(2)(b) failed to provide it to them. Shortly after arriving, PO B. Mathew called for backup. Approximately thirty to fifty additional officers responded to the location. PO B. Mathew and officers used their nightsticks to push back the crowd. PO B. Mathew, PO N. Mathew, PO Anthony Salato, and additional officers entered the private house at the address. Officers used physical force to effect the arrests of § 87(2)(b) and § 87(2)(b).

§ 87(2)(g)

Credibility

§ 87(2)(b) and § 87(2)(b)

§ 87(2)(g)

They both stated that the officers arrested § 87(2)(b) after he politely asked an officer for his name and shield number. However, § 87(2)(b)'s arrest report indicates that he was yelling at PO Salato while he was putting another defendant into the van, demanding that PO Salato release said defendant. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) stated that when PO B. Mathew asked § 87(2)(b) for his identification, § 87(2)(b) agreed to go inside to get his identification for PO B. Mathew, but PO B. Mathew grabbed him by the neck, preventing him from going to retrieve his identification. § 87(2)(b) § 87(2)(g) stated that PO B. Mathew did not grab him at all, but that PO B. Mathew was going to follow him inside while he retrieved his identification. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(g)

First, he stated that he was the only individual talking to the initial officers at the location. However, several civilian witnesses and the initial responding officers stated that § 87(2)(b) was also speaking with the officers. Secondly, § 87(2)(b) stated that when PO B. Mathew asked him for his identification, he agreed to retrieve it from the house, and that when he told PO B. Mathew not to come inside with him, PO B. Mathew called backup. However, the officers stated that they were requesting identification from both § 87(2)(b) and § 87(2)(b) and that although § 87(2)(b) was initially cooperative, § 87(2)(b) prevented him from giving the officers his identification and was verbally abusive towards the officers, telling them to "Get the fuck off my property," and calling PO B. Mathew a "devil in a police uniform." Lastly, § 87(2)(b) stated that after PO B. Mathew called for backup, the two of them stood face to face for five minutes without speaking. Then, when backup arrived, and § 87(2)(b) witnessed officers entering the house, PO B. Mathew did not prevent him from running towards the house to see what the officers were doing. However, PO B. Mathew then shouted, "There he is," and used

physical force to arrest him. Although § 87(2)(b) denied resisting arrest, he stated that while the officers were arresting him, they told him repeatedly to stop resisting arrest.

According to PO B. Mathew, PO N. Mathew and PO Pinard, they were intending to give the homeowner a warning about the loud music, but § 87(2)(b) escalated the situation by interfering with the officers and convincing the homeowner not to provide identification. § 87(2)(g)

§ 87(2)(b) according to § 87(2)(b) he agreed to give PO B. Mathew his identification, and it was only his refusal to let PO B. Mathew accompany him inside to retrieve his identification that prompted PO B. Mathew to call backup. In addition, he stated that he was the only one talking to the officers. However, § 87(2)(b) corroborated the officers' version by stating that her father, § 87(2)(b) was talking to the officers along with § 87(2)(b). In his CCRB interview PO B. Mathew stated that he attempted to arrest the unknown male who was with § 87(2)(b) but that due to the hectic nature of the situation, he was unable to locate him after he escaped into the crowd. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) stated that § 87(2)(b) was standing on the front steps, leaning with his elbows resting on the railing when the officers arrested him. § 87(2)(g)

§ 87(2)(b) stated that after officers entered the house, he hurried toward the front door to see what the officers were doing inside the house. As he was opening the front door, numerous officers arrested him. § 87(2)(g)

PO Biju Mathew, PO Nelson Mathew, PO Brendan Parpan, PO Randolff Pinard and PO Anthony Salato

§ 87(2)(g)

PO Goerge Rath and PO Randolff Pinard

§ 87(2)(g)

PO Michael Hance, PO Michael Ward, Sgt. John Gavan and Sgt. Jeanpierre Villez

§ 87(2)(g)

Allegation A: PO Biju Mathew used physical force against § 87(2)(b)

At approximately 9:30 PM on June 19, 2004, PO Biju Mathew, PO Nelson Mathew and PO Randolph Pinard responded to § 87(2)(b) in Queens. There were numerous individuals in the front yard of the location, and the officers asked to speak with the homeowner. § 87(2)(b) and § 87(2)(b) spoke with the officers. According to § 87(2)(b) the officers asked § 87(2)(b) and § 87(2)(b) for their identification. They refused to provide their identification. PO B. Mathew raised his voice and demanded to see their identification. § 87(2)(b) and § 87(2)(b) refused to provide their identification and § 87(2)(b) asked the officers why they needed to see it. PO Pinard explained to § 87(2)(b) that they were responding to complaints about loud music from the party. § 87(2)(b) stated that after PO Pinard explained the situation, § 87(2)(b) said that he would go inside to retrieve his identification. At this time, PO B. Mathew allegedly prevented § 87(2)(b) from going inside by placing his hand on § 87(2)(b)'s neck for approximately three seconds. PO B. Mathew released § 87(2)(b) and called for backup.

§ 87(2)(g)

Allegation B: PO PO Biju Mathew threatened unknown civilians with the use of force.

§ 87(2)(b) alleged that PO B. Mathew made a threatening gesture with his nightstick towards a crowd of civilians in the front yard of the incident location. PO B. Mathew stated in his CCRB interview that after he called for backup, and before additional units arrived, the civilians in the front yard became physically and verbally antagonistic and formed a crowd around him. PO B. Mathew stated that because the officers were greatly outnumbered, as backup had not yet arrived, he took out his nightstick to protect himself and his partners. § 87(2)(g)

Allegation C: PO Biju Mathew drew his gun.

Allegation D: Officers drew their guns.

§ 87(2)(b) alleged that six male white officers drew their guns while entering the house, and § 87(2)(b) alleged that officers ran through the house with their guns drawn. In subsequent photo arrays, neither § 87(2)(b) nor § 87(2)(b) identified a subject officer. However, in her photo array, § 87(2)(b) identified PO B. Mathew as having drawn his gun. § 87(2)(g) PO B. Mathew stated that he did not draw his gun during the incident and that he did not witness any officer draw his gun. § 87(2)(g)

§ 87(2)(g)

Allegation E: PO Biju Mathew entered § 87(2)(b) in Queens.

Allegation F: PO Nelson Mathew entered § 87(2)(b) in Queens.

Allegation G: PO Anthony Salato entered § 87(2)(b) in Queens.

Allegation H: Officers entered § 87(2)(b) in Queens.

It is an undisputed fact of the case that PO Biju Mathew, PO Nelson Mathew, PO Anthony Salato and additional officers entered § 87(2)(b) in Queens, at approximately 9:45 PM on June 19, 2004. PO Biju Mathew, PO Nelson Mathew and PO Randolph Pinard were the first officers to arrive at the incident location. They spoke with § 87(2)(b) and § 87(2)(b). § 87(2)(b) stated that he was the homeowner, so the officers asked him for his identification with the intent of issuing him a summons for loud music. According to the officers, § 87(2)(b) seemed cooperative initially, but § 87(2)(b) interfered and convinced § 87(2)(b) not to give the officers his identification. PO B. Mathew called for backup, but before additional officers responded to the location, the crowd of civilians in the front yard surrounded the officers and began encroaching upon them. PO B. Mathew grabbed § 87(2)(b) by the arm to prevent him from slipping away into the crowd, but individuals in the crowd began to shove the officers and to pull § 87(2)(b) away from the officers. § 87(2)(b) escaped from PO B. Mathew's grasp as additional officers arrived at the location. PO B. Mathew and PO N. Mathew witnessed § 87(2)(b) enter the house. PO B. Mathew and PO N. Mathew chased § 87(2)(b) into the house. The officers ran in through the backdoor, through the living room, and out the front door.

§ 87(2)(g)

In *People of the State of New York v. Willie Lee Jones* (April 15, 1981; 438 N.Y.S.2d 75), it was held that *Pursuit is justified only if an officer is endeavoring to complete the arrest of an individual for whom there exists probable cause to believe that he has committed or is about to commit a crime. Since the alleged violation of the Vehicle & Traffic Law constitutes an offense and not a crime, pursuit cannot here be justified* (Enclosure 1.5). § 87(2)(g)

PO Anthony Salato responded to PO B. Mathew's call for officers in need of assistance. When he arrived at the location, there were civilians and officers running through the front and back yards. PO Salato went to the backyard and was attempting to assist an unidentified officer involved in a physical altercation with an unknown male. § 87(2)(b) interfered by pushing PO Salato and kicking him in the shin. PO Salato informed § 87(2)(b) that he was under arrest, but § 87(2)(b) ran away from PO Salato and into the house. PO Salato entered the house in pursuit of § 87(2)(b). He ran through the backdoor, through the living room, and out the front door.

In *U.S. v. Santana*, 427 U.S. 38 (1976), it is held that *a suspect may not defeat an arrest which has been set in motion in a public place, and is therefore proper under Watson, by the expedient of escaping to a private place* (Enclosure 1). § 87(2)(g)

the police may enter a premises, without a warrant, to search for a suspect who has fled after

committing a crime. The police must have probable cause to believe that the suspect has committed a crime and that he has fled to the specific premises, which the police are entering (Enclosure 3)—§ 87(2)(g)

§ 87(2)(g)

Allegation I: PO Brendan Parpan entered § 87(2)(b) in Queens.
Allegation J: PO Brendan Parpan struck § 87(2)(b) with a nightstick.

§ 87(2)(b) stated that PO Brendan Parpan entered § 87(2)(b) in Queens, at approximately 9:45 PM on June 19, 2004. § 87(2)(b) stated that she was standing near the back door, inside the house, and PO Parpan rushed in the house and struck her in the left side of her torso with his nightstick. PO Parpan stated that he did not enter the house, and though he does not know § 87(2)(b) he stated that he does not carry a nightstick and that he did not strike any individual with a nightstick during the incident. ■

§ 87(2)(g)

In her CCRB interview, § 87(2)(b) claimed that she identified PO Parpan by his name on his shield as he entered the house and struck her with his nightstick. § 87(2)(g)

Allegation K: PO Nelson Mathew spoke obscenely and rudely to § 87(2)(b)

§ 87(2)(b) stated that her aunt, § 87(2)(b) was inside the house, and that she protested the officers' presence at the location by informing them that the party was for a Christening. § 87(2)(b) alleged that PO N. Mathew responded, "I don't give a fuck about your Christening. Shut the fuck up and get the fuck out of my way." PO Nelson Mathew stated that he did not make the discourteous remark. ■

§ 87(2)(g)

PO Nelson Mathew was one of the initial officers to arrive at the incident location, and as such, his identity was known to all of the civilian witnesses who cooperated with this investigation. § 87(2)(g)

Allegation L: PO Bijou Mathew used pepper spray against § 87(2)(b)

PO Biju Mathew arrested § 87(2)(b) in connection with the incident. § 87(2)(b) alleged that after he was in handcuffs, PO B. Mathew sprayed him in the face with pepper spray. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) both alleged that PO B. Mathew sprayed § 87(2)(b) with pepper spray prior to handcuffing him. § 87(2)(g)

PO B. Mathew denied using pepper spray during the incident. He stated that, although he believed pepper spray was used on § 87(2)(b) during the incident (because he smelled it in the air when he was arresting § 87(2)(b)), § 87(2)(b) resisted arrest and he was preoccupied with getting him into handcuffs and he did not see an officer use pepper spray. Likewise, none of the officers interviewed in connection with this investigation witnessed an officer use pepper spray during the incident.

§ 87(2)(g)

Allegation M: PO Biju Mathew used physical force against § 87(2)(b)

Allegation N: Officers used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Biju Mathew and additional unidentified officers used force to effect his arrest. PO B. Mathew admitted that he used force to effect § 87(2)(b)'s arrest because § 87(2)(b) resisted arrest by holding onto the front porch railing and resisting the officers' attempts to handcuff him. PO B. Mathew admitted that additional unidentified officers assisted him by using physical force to overcome § 87(2)(b)'s resistance and handcuff him. § 87(2)(b) admitted that various officers told him multiple times to stop resisting arrest while they were effecting his arrest, but he denied resisting arrest. § 87(2)(g)

According to the officers, when they arrived at the location, they were planning to give the homeowner a warning. However, because of § 87(2)(b)'s antagonism toward the officers, and because he refused to provide his identification and prevented § 87(2)(b) from providing his identification, the situation escalated. While the officers were waiting for backup to arrive, numerous civilians who were in the front yard surrounded the officers, shouting at and shoving the officers. PO B. Mathew grabbed § 87(2)(b) by the arm to prevent him from escaping into the crowd, but he succeeded in slipping into the crowd, and as the first backup units arrived, PO B. Mathew witnessed § 87(2)(b) enter the house. PO Mathew ran into the house after § 87(2)(b). He ran through the house and out the front door. He did not find § 87(2)(b) but he encountered § 87(2)(b) on the front steps. He attempted to arrest § 87(2)(b) but § 87(2)(b) hung onto the railing, refusing to be handcuffed. § 87(2)(g)

According to Patrol Guide Procedure 203-11, governing to use of physical force, *all uniformed members of the service are responsible and accountable for the proper use of force under appropriate circumstances. Only that amount of force necessary to overcome resistance will be used to effect an arrest* (Enclosure 2).

§ 87(2)(g)

§ 87(2)(g)

Allegation O: PO Anthony Salato used physical force against § 87(2)(b)

Allegation P: Officers used physical force against § 87(2)(b)

Several civilian witnesses alleged that officers used force to effect the arrest of § 87(2)(b). However, none of the civilian witnesses were able to describe the alleged force used because of the hectic nature of the incident and because the officers surrounding § 87(2)(b) made it difficult to see him while the officers were effecting the arrest. In addition, § 87(2)(b) was uncooperative with this investigation.

§ 87(2)(g)

PO Anthony Salato responded to PO B. Mathew's call for officers in need of assistance. When he arrived at the location, there were civilians and officers running through the front and back yards. PO Salato went to the backyard and was attempting to assist an unidentified officer arrest an unidentified individual. § 87(2)(b) interfered by pushing PO Salato and kicking him in the shin. PO Salato informed § 87(2)(b) that he was under arrest, but § 87(2)(b) ran away from PO Salato and into the house. PO Salato entered the house in pursuit of § 87(2)(b). He ran through the backdoor, through the living room, and out the front door. PO Salato caught up to § 87(2)(b) in the front yard and he attempted to place § 87(2)(b) under arrest. § 87(2)(b) resisted arrest by flailing his arms and refusing to let PO Salato handcuff him. Additional unidentified officers aided PO Salato, and they used the minimal level of necessary physical force to effect the arrest. The officers held § 87(2)(b) legs and arms until he was handcuffed.

According to Patrol Guide Procedure 203-11, governing to use of physical force, *all uniformed members of the service are responsible and accountable for the proper use of force under appropriate circumstances. Only that amount of force necessary to overcome resistance will be used to effect an arrest* (Enclosure 2).

§ 87(2)(g)

Allegation Q: An officer refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) lives next door to § 87(2)(b) in Queens, and when he noticed that police officers had responded to the location, at approximately 9:30 PM on June 19, 2004, he exited his house. He witnessed officers leading his neighbor, § 87(2)(b) to a police van in handcuffs. He approached one of the officers who was leading § 87(2)(b) to the police van and allegedly asked him for his name and shield number. The officer allegedly looked at § 87(2)(b) but did not provide his name and shield number. § 87(2)(b) did not mention this allegation when he viewed a photographic array, and he did not identify a subject officer from the photographic array. PO Brendan Parpan was § 87(2)(b)'s arresting officer, and stated that he witnessed § 87(2)(b) walk up to him as he was escorting § 87(2)(b) to the police van. § 87(2)(b) shouted, "This is bullshit. What's going on?" § 87(2)(b) did not request PO Parpan's name and shield number, and PO Parpan did not witness § 87(2)(b) request the name and shield number of any officer during the incident. § 87(2)(g)

PO Parpan witnessed § 87(2)(b) approach the incident location and stated that § 87(2)(b) did not request an officer's name and shield

number. § 87(2)(g)

Allegation R: PO Brendan Parpan used physical force against § 87(2)(b)

Allegation S: Officers used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after he asked the unidentified officer for his name and shield number, numerous officers grabbed § 87(2)(b) from behind and used physical force to arrest him. § 87(2)(g)

PO Brendan Parpan stated that he was leading § 87(2)(b) to a police van, and § 87(2)(b) walked towards PO Parpan and shouted, “This is bullshit. What’s going on?” PO Parpan stuck out his right arm and pushed § 87(2)(b) out of his way. § 87(2)(b) shoved PO Parpan and PO Parpan lost his balance and stumbled backwards and tripped over the curb (he did not fall down). As PO Parpan regained his balance, numerous officers grabbed § 87(2)(b) from behind and held him down against the hood of a car until he was handcuffed. PO Parpan continued dealing with § 87(2)(b) and he did not take part in the arrest of § 87(2)(b). According to Patrol Guide Procedure 203-11, governing to use of physical force, *all uniformed members of the service are responsible and accountable for the proper use of force under appropriate circumstances. Only that amount of force necessary to overcome resistance will be used to effect an arrest* (Enclosure 2). § 87(2)(g)

Allegation T: An officer used physical force against § 87(2)(b)

§ 87(2)(b) stated that when officers were effecting the arrest of § 87(2)(b) she attempted to pull § 87(2)(b) away from the officers. According to Patrol Guide Procedure 203-11, governing to use of physical force, *all uniformed members of the service are responsible and accountable for the proper use of force under appropriate circumstances. Only that amount of force necessary to overcome resistance will be used to effect an arrest* (Enclosure 2). § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: